

June 2003

Update: Criminal Procedure Monograph 5— Preliminary Examinations (Revised Edition)

Note:

Pursuant to Supreme Court Order No. 1998-50 and No. 2001-19, effective May 1, 2003, the Court adopted new subchapter 3.900 of the Michigan Court Rules, deleted subchapter 5.900, and amended rules in subchapter 6.900, all with regard to proceedings involving juveniles. Every effort has been made to identify and update the information contained in this publication where the amendments have a substantive impact. Changes limited to alpha-numeric order and related ministerial revisions are reserved for the next comprehensive update of the publication.

5.7 Juvenile's Right to a Preliminary Examination

B. No Right to a Preliminary Examination in "Traditional Waiver" Cases

Replace the first sentence of the last paragraph on page 12 with the following language:

The second phase, known as a Phase 2 "best interests" hearing, is a hearing in which the court determines whether the interests of the juvenile and the public would best be served by granting the motion for waiver of jurisdiction. MCR 3.950(D)(2). If the juvenile had previously been subject to the general criminal jurisdiction of the circuit court under MCL 712A.4 or MCL 600.606, the court must waive jurisdiction without holding a Phase 2 hearing. MCR 3.950(D)(2).